

REMARKS

This is in reply to the final Office Action dated December 26, 2008. Claims 1-4, 6-12 and 14-19 are pending in the application. Claims 1 and 9 are withdrawn. Claims 2 and 10 are the independent claims.

In the Office Action, Claims 2-4, 6-8, 10-12, 14-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujimoto et al (US 2004/0224231) ("*Fujimoto*"), as evidenced by Asahina (US 2007/0275301) ("*Asahina*"). Claims 2-4, 6-8, 10-12, 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agaki et al. (JP 11-135115) ("*Agaki*") in view of *Fujimoto*. Claims 2-4, 6-8, 10-12, 14-16, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neudecker et al (US 6,242,132) ("*Neudecker*") in view of *Fujimoto* et al. as evidenced by *Asahina*.

However, the Examiner also indicated that the Applicant's Remarks, filed 10/24/2008, in response to similar rejections, would be persuasive if the claims recited the features upon which Applicant relies (i.e., the definition of projection). See Office Action, pages 6-7. In accordance with the Examiner's comments, Applicants have amended independent Claims 2 and 10 to incorporate the limitation that the projections are composed of a particle projecting from a substrate. This amendment is supported in the Applicant's Specification. See, for example, pgs 4, 5 and Fig. 1. Applicants submit that the claims are now consistent with Applicant's arguments outlined below and submit that the claimed invention is distinguished over *Fujimoto*.

Contrary to Examiner's allegations, Applicants maintain that the R_y value of 5.99 μm in *Fujimoto* does not meet the limitation of a projection with an average diameter of about 3 μm to about 10 μm as claimed in the present application because the projection as claimed is directed to a particle. The R_y value in *Fujimoto* on the other hand, represents the maximum height calculated for the entire anode surface, not just the particle size. The particle size may form part of this total maximum height, but not the entire height. This is made clear when reviewing Table 1 in *Fujimoto*. Substrate c on Table 1 has a surface roughness $R_y=4.10 \mu\text{m}$. When the particles in *Fujimoto* are deposited on the surface of the copper, Substrate a is produced with a surface roughness $R_y=5.99$. The difference between these two values, 1.89 μm , represents the largest diameter that the particles deposited on the surface, i.e. the projections, can be in *Fujimoto*. In contrast, the instant application claims that the projections must be between about 3 μm and

about 10 μm . The projections in the claimed invention are substantially larger than the particles disclosed by *Fujimoto*. Table 3 in Applicant's Specification demonstrates the unexpected results obtained from requiring a particle size diameter larger than that taught by *Fujimoto*. Therefore, Applicants request the rejections in view of *Fujimoto* be withdrawn.

Even if properly combinable, neither *Agaki* nor *Neudecker* remedy the deficiencies in *Fujimoto* and therefore the Applicants request that the rejections in view of these references be withdrawn.

Applicants have amended dependent claims 4 and 12 to further define the particle shape of the projection. This amendment is supported in pages 5 and 7 of the Applicant's Specification. Applicants respectfully submit that the application is now placed in condition for allowance and respectfully request the same. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

K&L GATES LLP
BY _____
Thomas C. Basso
Reg. No. 46,541
Customer No. 29175

Dated: March 24, 2009